

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C.

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In the Matter of

Amendment of Section 73.202(b)

Table of Allotments,

FM Broadcast Stations.

(Los Banos and Planada, California)

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MM Docket No. 02-186

RM-10494

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division

**COMMENTS IN SUPPORT OF
NOTICE OF PROPOSED RULE MAKING**

Buckley Communications, Inc. ("Buckley"), the licensee of FM broadcast station KHTN, Channel 284B, Los Banos, California, by its undersigned attorneys and pursuant to Section 1.415 of the Commission's Rules and Regulations, hereby submits its comments (the "Comments") in support of the Commission's *Notice of Proposed Rule Making* in the above-captioned proceeding, DA 02-1621 (released July 19, 2002) (the "*NPRM*"), in which the Commission proposes to amend its FM Table of Allotments, Section 73.202(b) of its Rules, to reallocate Channel 284B from Los Banos to Planada, California, as Planada's first local aural transmission service, and modify the license of KHTN(FM) accordingly.¹

Discussion

1. Buckley commenced this proceeding on February 13, 2002 with the filing of a petition for rule making (the "Petition") requesting that the Commission initiate a proceeding to amend the FM Table of Allotments to read as follows:

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<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Los Banos, California	284B, 295A	295A
Planada, California	--	284B.

In connection with this reallocation, Buckley also proposed that the Commission modify KHTN(FM)'s license accordingly. Buckley noted that the proposed change in KHTN(FM)'s community of license will comply with the Commission's technical requirements and that Planada is a community deserving of a first local service. Further, as set forth in Buckley's Petition, the proposed reallocation will result in a preferential new arrangement of allotments under established Commission priorities. The reallocation will provide the community of Planada with its first local aural transmission service while Los Banos will retain two local aural transmission services, and no listeners will be deprived of existing service since the reallocation proposal does not involve a site change.

3. In response to Buckley's Petition, the Commission instituted the instant rule making proceeding to more fully consider Buckley's proposal. Buckley hereby incorporates by reference the Petition it previously filed in this proceeding and reiterates its expression of interest in the reallocation of Channel 284B from Los Banos to Planada, California and the modification of KHTN(FM)'s license to specify operation at Planada. If the proposal set forth in this proceeding is adopted, Buckley intends to file any appropriate application(s) to apply for Channel 284B at Planada and construct the facilities approved by such application.

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¹ Since these Comments are being filed by the September 9, 2002 deadline for Comments, they are timely filed.

Conclusion

For the foregoing reasons, Buckley Communications, Inc. urges the Commission to adopt the *NPRM*'s proposal to reallocate Channel 284B from Los Banos to Planada, California and modify KHTN(FM)'s license accordingly.

Respectfully submitted,

BUCKLEY COMMUNICATIONS, INC.

By: 
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Dated: September 9, 2002